

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ESTOL STRUCKMAN,	:	
	:	
Plaintiff,	:	
	:	NO. 1:12-CV-0184
v.	:	
	:	
ADDYSTON POLICE DEPARTMENT,	:	
et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation, in which the Magistrate Judge recommends that Plaintiff's complaint be dismissed with prejudice for failure to state a claim against the named defendants (doc. 4). Apparently in response to the Magistrate Judge's report, Plaintiff, proceeding pro se, filed a document with the Court (doc. 9). It is not clearly demarcated whether the document is Plaintiff's objections to the Magistrate Judge's report, an amended complaint or some other document.

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the analysis of the Magistrate Judge and considered de novo all of the filings in this matter. Upon thorough consideration of the foregoing, the Court construes Plaintiff's recently-filed document as a motion for leave to amend the complaint and GRANTS the motion. In addition, the Court partially ADOPTS and AFFIRMS the Magistrate Judge's report

and recommendation. Accordingly, Plaintiff's complaint is dismissed WITHOUT prejudice to amending it, and Plaintiff is given leave to file an amended complaint within thirty (30) days from the filing of this Order, in which Plaintiff may allege actionable facts as pointed out by the Magistrate Judge in his Report. Should Plaintiff fail to file an amended complaint within those thirty days, Plaintiff's case will be dismissed with prejudice and the matter terminated from the Court's docket.

SO ORDERED.

Dated: June 5, 2012

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge